

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	DECLARATION OF LYLE S. HOSODA
v.)	
)	
HAWAIIAN EXPRESS SERVICE,)	
INC., et al.)	
)	
Defendants.)	
_____)	

DECLARATION OF LYLE S. HOSODA

I, LYLE S. HOSODA, hereby declare as follows:

1. I am the principal attorney of the law firm of LYLE S. HOSODA & ASSOCIATES, L.L.C., attorneys for Defendants Brian Christensen, Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio ("Employees") and am duly authorized to make this declaration.

2. Attached hereto as Exhibit "A" is a true and correct copy of select pages of the deposition of Mark Dillon taken on March 25, 2002 in *Berry v. Fleming, et al*, Civil No. CV01-00446.

3. Attached hereto as Exhibit "B" is a true and correct copy of select pages of the Transcript of Proceedings of February 28, 2003 in *Berry v. Fleming, et al*, Civil No. CV01-00446.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

Executed this 17th day of May 2006 at Honolulu, Hawaii.

/s/ Lyle S. Hosoda
LYLE S. HOSODA